

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
September 30, 2008**

Present: Commissioners Weber, Lythgoe, and Notbohm; Joe Carter, Road Superintendent; Harold Stepper, County Planner; Bill Lloyd, Great West Engineering, Jan Anderson, Boulder Monitor/Jeff. Co. Courier; Dave Kirsch; Ken Vivrette.

MINUTES

Commissioner Weber moved to adopt the minutes of September 2, 2008. Commissioner Lythgoe seconded. The motion carried.

CALENDAR REVIEW

- 9/30 Meeting at the Cardwell School/135 lot subdivision - 6:00p.m.
Museum Board - 6:30p.m.
- 10/1 Ashgrove Citizen's Advisory Committee - 8:00a.m.
Meeting w/Joe Carter/Whitehall - 9:00a.m.
- 10/2 MT Nurses Assoc. - 7:30a.m.
Custodian Interview - 1:00p.m.
Library Subcommittee/Clancy - p.m.6:00

COMMISSION REPORTS

Commissioner Weber Reported that last week he and Commissioner Lythgoe attended the MACo Annual Conference. He said that it was a good meeting that covered many topics. There were two items he'd been asked about. One was the Wildlife Urban Interface (WUI) fire plan discussion that MACo had not taken a stand on and the other was regarding the Investment Pool. MACo voted to support reactive legislation so that if the states Short Term Investment Pool (STIP) should change and the county's protection should go down then we would have the ability to form our own pool if we chose to. We voted against that but lost the vote and they did vote to support that.

Commissioner Notbohm reported that the previous Thursday he attended the RMDC Annual Meeting. RMDC is doing quite well and their programs are expanding. Commissioner Notbohm also checked out a couple roads up Holmes Gulch that needed grading. When he got there, Joe Carter, Road Superintendent, had already had the grading done.

CORRESPONDENCE

Commissioner Weber reported that there had been a lot of correspondence regarding the MSTI Project and he had been encouraging everyone to go into the website and to provide their comments to DEQ, and BLM. The comment period closes on October 10th.

Commissioner Weber reported on a letter received from MDT with two CTEP project agreements for MT Trails that required the signature of the Commission Chair. He then read the letter and signed the documents.

Commissioner Weber then presented the request for County Funds Transfer for Medicaid Match contract for the amount of \$11,256.00 sent from the Center for Mental Health. He then read the instructional letter attached asking that a liaison be named and the contract be signed by the Commissioners and returned. Commissioner Lythgoe was appointed the liaison and the Commissioners signed the contract.

Commissioner Weber read a letter regarding the Extension Services Agreement and County Salary Adjustment Verification form. The documents pertain to the county contribution to the salaries for contracted services of Extension Agents Tara Mastel and Andria Sarchet in the amount of \$45,750 (Tara/\$30,500 and Andria/\$15,250). Commissioner Weber explained that we are actually saving money this year because of the change in the formula. The documents were signed by the Commissioners.

Commissioner Weber presented a letter of transmittal from Great West Engineering including Task Order #30 (Moonlight Ridge Estates RID/RMD) and Task Order #31 (Jack Mountain Estates RID/RMD) for review and signatures. The documents were signed by Commissioner Ken Weber/Chair.

Commissioner Weber stated that a memo from Matt Johnson, County Attorney, and correspondence from Alan Cormany as it pertains to the Big Dipper RID/RMD. Alan Cormany had requested to be excluded from the RID/RMD because of his access on McClellan Creek Rd. However, the original Certificate of Survey showed that he had an access on Evening Star Dr. which connects to Big Dipper Dr. It is the derived opinion that Mr. Cormany's property is a benefitted property in the Big Dipper RID/RMD.

SUBDIVISION REVIEW

FINAL PLAT APPROVAL - DEER RUN MINOR SUBDIVISION - MONTANA CITY

Harold Stepper, County Planner, explained that since the development doesn't have DEQ approval at this time the approval will have to be postponed until that is accomplished.

VARIANCE REQUEST - 5X8 MINOR SUBDIVISION - MONTANA CITY

Harold Stepper, County Planner, gave an abbreviated version of the request with the permission of the Commission. He gave the staff report for variance to road improvement for 5x8 minor subdivision located adjacent to Martinez Gulch Rd. The background of the minor subdivision was presented. Harold stated the findings of fact; #1 that Martinez Gulch Rd as it exists doesn't meet county road standards; #2 the residence that are served by Martinez Gulch Rd. are in the process of developing an RID/RMD to improve and maintain the road; #3 the lots in 5x8 minor subdivision need to be created to access RID/RMD fees prior to formation of the RID. These 5 lots plus the remainder lot when included in the easement will make the project affordable for all the residents; #4 to allocate the improvements of approximately 2200 ft. of road to county road standards to one individual while 21 residence will benefit from the improvements is not equitable. Harold then listed the conditions of approval, and recommended that the Jefferson

County Commission grant the road variance to 5x8 minor subdivision. Harold introduced Ken Vivrette, owner and developer of the property. A short discussion followed. It was clarified that this is a pre-variance and the preliminary plat will be brought forward in the future (approx. 2 weeks).

Commissioner Lythgoe made a motion to approve variance to the road improvements for 5x8 minor subdivision. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON CREATING A BUDGET LINE ITEM TO FUND THE RED CROSS

Commissioner Weber presented and read a letter requesting the counties financial support for the Montana Red Cross. Commissioner Notbohm voiced the opinion that though the Red Cross was a worthy endeavor he felt with the uncertainty of the county's PILT funding that it would be difficult to commit to anything at this time. Commission Lythgoe concurred that though a valid consideration the timing for funding is just not right. It was decided that the issue would be revisited when some of the financial issues had been resolved. It was suggested and decided that a letter be drafted to the Red Cross explaining the situation and the reasons for the decision, and that the subject would be revisited when SRS and PILT funding was secure.

RESOLUTION 37-2008 CALLING FOR AN IMPROVED NATIONAL ENERGY POLICY FOR THE 21ST CENTURY

It was established that the resolution had been brought forward by a group that is working for clean coal energy and looking for support at the state and national level. Commissioner Lythgoe felt that we also needed to include oil and natural gas, and drilling offshore if we are going to pursue this direction but for now he was in support of this resolution. Commission Notbohm concurred. Commissioner Weber proceeded to read the resolution to the Commission as follows:

RESOLUTION 37-2008

RESOLUTION CALLING FOR AN IMPROVED NATIONAL ENERGY POLICY FOR THE 21ST CENTURY

BE IT KNOWN, the Jefferson County Board of Commissioners believes that the United States needs a responsible energy policy; and

WHEREAS, the links between economic growth, prosperity, energy security and environmental objectives are unbreakable; and

WHEREAS, the U.S. Department of Energy has concluded that worldwide energy supply from all sources will need to be increased to keep up with demand through the year 2030; and

WHEREAS, coal is a main source of energy throughout the world and provides half electricity used in the United States; and

WHEREAS, achieving energy independence and security for the United States can only

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be done by fully utilizing America's most abundant energy source - coal; and

WHEREAS, clean coal technologies, including carbon capture and storage, will play an increasing role in America's energy policy as we move to combat climate change while still maintaining the essential pillar of economic growth - affordable energy; and

WHEREAS, future emissions related energy legislation must be synchronized with the availability of cost-effective emission control technology; and

WHEREAS, existing sources of energy such as coal and alternative sources of fuel like solar, wind and nuclear power will all have to be part of a comprehensive approach to climate change; and

WHEREAS, continued funding, research, demonstration and deployment of carbon capture and storage and other clean coal technologies will secure hardworking American coal mining jobs in our state, and nationwide contribute to a more prosperous economy;

NOW, THEREFORE, BE IT RESOLVED, that the Jefferson County Board of Commissioners calls upon Senator Max Baucus, Senator Jon Tester and Congressman Denny Rehberg and the United States Congress to support the continued funding, research, demonstration and deployment of carbon capture and storage and other clean coal technologies with the goal of developing an effective climate change policy that will protect and maintain America's economic vitality.

DATED this 30th day of September, 2008.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Lythgoe made a motion to adopt Resolution 37-2008. Commissioner Notbohm seconded. The motion carried.

RESOLUTION 38-2008 FIXING TAX LEVIES

Commissioner Weber explained that there had been 4 mill levies that were not correct when the levies had been previously fixed for the FY 2008-2009. They were Health & Sanitation at 10.33, Special District Levies /Willow Creek Fire 38.92, County Levies/ Elementary Retirement 22.14; September 30, 2008 minutes.wpd

High School Retirement 11.34. He further explained that is resolution fixes those levies with the value of a mill at \$26,223.00 county wide and a value of \$24,364.00 outside the city limits. He read the resolution as follows:

RESOLUTION 38-2008

**FIX TAX LEVIES FOR JEFFERSON COUNTY
FISCAL YEAR 2008-2009**

WHEREAS, the Board of County Commissioners of Jefferson County, Montana, has compiled and reviewed the proposed budgets for fiscal year 2008-2009 as required by law; and,

WHEREAS, the value of a mill has been determined as \$26,223 county-wide and a value of \$24,364 outside the city limits, with other values as stated and certified by the Department of Revenue of the State of Montana,

NOW, THEREFORE, BE IT RESOLVED that the final budgets for fiscal year 2008-2009, which budget document is on file in the Clerk and Recorder's office, is approved and adopted and is, by this reference, incorporated herein; and

BE IT FURTHER RESOLVED that the Board does hereby fix the following levies to fund said budgets:

HEALTH AND SANITATION	10.33
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SPECIAL DISTRICT LEVIES

WILLOW CREEK FIRE	38.92
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COUNTY LEVIES

ELEMENTARY RETIREMENT	22.14
HIGH SCHOOL RETIREMENT	11.34

DATED this 30th day of September, 2008, effective for Fiscal Year 2008-2009.

ATTEST:

BONNIE RAMEY

KEN WEBER, CHAIR

CLERK AND RECORDER

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Lythgoe made a motion to adopt Resolution 38-2008. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON JOE SCHMAUS' AND BONNIE BOMPART'S REQUEST TO BE REMOVED FROM THE SOUTH HILLS RID/RMD

Commissioner Weber explained that this request had come in letters from both Joe Schmaus and Bonnie Bompert. Joe Schmaus had also attended the Commission meeting two weeks previously to explain that his property doesn't border the South Hills project and Ms. Bompert had sent a letter stating that her property was agricultural in nature and therefore shouldn't be included in the RID/RMD. Commissioner Weber further explained that the question of agricultural use for the land is for a different kind of RID and it was determined through discussions with Mat Johnson, County Attorney, that the claim of agricultural use didn't pertain to this situation. That concern was withdrawn and they focused on the fact that their property didn't abut the RID on South Hills Road. The Commission responded that it had researched the use of the road and found that they did in fact benefit by use of the public road. The other properties that had been excluded from the RID didn't access their property from either South Hills Road or Holmes Gulch Road as is the case for these two properties.

Bill Lloyd of Great West Engineering, On-Call Engineer for Jefferson County, was asked to come forward to explain the process that was used in determining how they were impacted by the improvement of the road and why they were included in the assessment. Bill explained that they began the process by identifying the two parcels of land within the RID boundaries owned by Bompert and Schmaus. Bill passed maps to the Commissioners with the properties highlighted and showing access to both properties from S. Holmes Gulch Road.

He then explained the methodology that was used to form the boundary. Bill acknowledged that the statement that they don't front the improvement is correct. Bill further explained that the selected method of assessment used to determine participation in an RID in this case (and in all RID's in Jefferson County to date) was the per-each or per-parcel assessment. The reason for that being that it was deemed unfair for only those homeowners who front South Hills Road, South Hills Drive, or Holmes Gulch Road to bear the cost of these improvements because numerous other homeowners benefit from the improvements. Bill explained that these roads are collectors to the area and not necessarily interior roads used within a subdivision for primarily residential use. It was determined that anyone that uses any combination of these roads as primary access to their property be included inside the RID boundary. It was deemed that anyone accessing their properties off Holmes Gulch Road was benefitted by these improvements, included in the RID boundary, and assessed for the improvements. It was determined that both the Schmaus and Bompert properties were benefitted properties and by definition should be included in the RID.

Commissioner Notbohm asked how many assessments or allotments the Bompert property was being charged. Bill replied that a quick count would be 6 and that the Schmaus property was 7. Commissioner Notbohm interjected that he understood why Schmaus and Bompert were unhappy with their assessments because of the condition of access from Holmes Gulch Road.

Commissioner Lythgoe made the comment that he has seen Joe Schmaus using Holmes Gulch Road in his personal vehicle and also moving equipment. There was more discussion and it was agreed by all that the decision had not be made lightly. Bill stated that the Commission, Road Department, and Bond Council had all put considerable effort into determining an equitable boundary.

Commissioner Lythgoe made a motion that the Commission decline the Schmaus and Bompert request to be removed from the South Hills RID/RMD. Commissioner Weber seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Dave Kirsch came forward with a comment about reducing the speed limit at the base of McClellan Creek Road to 25mph in that it would make it difficult in the winter at that speed to make it up over the top. Joe Carter then came forward to explain the reduced speed limit. He stated that they had reduced the speed limit to 25mph coming off of John Street past the school cross walk and the approach to the transfer station and county shop, and when past that the speed picks up to 35mph. Coming down the hill there is a "Reduced Speed Ahead" sign at Sawmill Road and then approximately 1000-1500 feet further the speed is reduced to 25mph. The reason being that there are heavy trucks and snow plows entering and exiting at the transfer station and county shop. There is also a "Truck Entering" sign up to warn other drivers. The 25mph speed limit continues past the school cross walk. Joe explained that the decision was made jointly with the Highway Patrol and Jefferson County Sheriff's Department.

Commissioner Weber explained the decision to Joe Schmaus, who had joined the meeting, regarding the rejection of his request to be excluded from the South Hills RID and the methodology used to come to that decision.

MEETING ADJOURNED

Commissioner Lythgoe made a motion to adjourn. Commissioner Weber seconded. The motion carried.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER